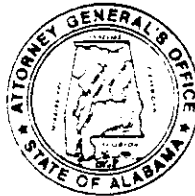


OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

OCT 29 1985

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

Sheriff Prentiss L. Griffith
Russell County Courthouse
Phenix City, Alabama 36867

Constables - Minimum Standards -
Peace Officers Standards and
Training Act - Arrest

1. A properly appointed deputy constable obtains the power of arrest upon his appointment but must comply with the Alabama Peace Officers Standards and Training Act within nine months of the appointment.
2. A properly appointed deputy constable may carry a pistol without obtaining a license as required by the Code of Alabama 1975, Section 13A-11-73.

Dear Sheriff Griffith:

In your recent letter to this office you requested an opinion which opinion request reads as follows:

- "1.) Does a deputy constable have the authority to arrest without first attending an Alabama Minimum Standards Training school?
- 2.) Does a deputy constable have the legal right to carry a side arm without first obtaining a license to carry said side arm?"

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In response to your first question, a deputy constable properly appointed by a constable obtains the power of arrest upon his appointment. A deputy constable, however, must comply with the Alabama Peace Officers Standards and Training Act, Code of Alabama 1975, Section 36-21-40, within nine months of his appointment or the appointment becomes null and void. Section 36-21-46(a)(13).

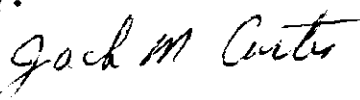
In addition, a constable can appoint a deputy constable only if local legislation exists authorizing such an appointment. Informal Opinions of the Attorney General, No. 82-00518 (August 26, 1982). A deputy constable appointed by a constable without such authority would not be properly appointed and would not have the power of arrest. There does not appear to be any local legislation authorizing constables in Russell County to appoint deputies.

In response to your second question, under the Code of Alabama 1975, Section 13A-11-74, a properly appointed deputy constable may carry a pistol without obtaining a license as required by Section 13A-11-73.

I hope I have fully answered your inquiries with regard to these matters.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By:


JACK M. CURTIS
Assistant Attorney General

JMC/dn